



Town Of Bar Harbor

Charter Commission

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Jill M. Goldthwait, Chair

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Final Report

In November, 2008 the town voted to initiate a Charter review. According to state law, a Charter Commission was created with six members elected by the voters and three appointed by the Town Council.

The Charter Commission held its organizational meeting on December 19, 2008 and an initial public hearing on January 14, 2009, followed by bimonthly meetings through completion of the preliminary Charter review on June 23, 2009. This draft then was sent to the Town Attorney for preliminary review and for advice on a number of questions. In August, the Preliminary Report was advertised and comments were sought from the public. On September 8, 2009 the Commission reconvened to consider comments of both the Town Attorney and the public. The Preliminary Report was revised into a Draft Final Report and a third public hearing was held on September 22.

The Bar Harbor Charter Commission now has completed its Final Report of Charter Modifications and hereby submits the proposed changes to the Town Council.

If approved the ballot question will modify the entire Charter. While the Commission proposes keeping our current Town Meeting/Council/Manager form of government, approval of the ballot article would make a number of organizational changes, in addition to routine grammatical, typographical, usage and statutory adjustments in the language of the Charter. These changes were recommended unanimously by the Commission.

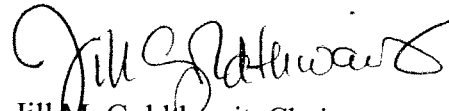
Substantive changes to the Charter include:

- Clarifying provisions for proprietary budgets (budgets whose revenue comes from user fees, e.g. sewer budget), including a requirement for a public hearing.
- Limiting Town Meeting action to business advertised on the Warrant.
- Permitting Town Meeting to make amendments to the advertised budget only by ballot.
- Requiring one year as a registered voter before running for Council or School Committee.
- Eliminating the position of Secretary on the Council and School Committee, since they have no duties.

- Prohibiting employment of Councilors and School Committee members as part-time town employees or independent contractors. (Full-time employment is already prohibited.)
- Requiring advance declaration of write-in candidates and a minimum of 25 votes to be elected (approximately the same as the number of petition signatures required for a candidate to be listed on the ballot).
- Clarifying that citizen-initiated resolutions are subject to existing initiative provisions of the Charter, and adding a requirement that any Town Meeting vote must be by secret ballot at a town election, rather than at an open town meeting.

The Charter Commission was unable to reach substantial agreement on only one issue, and that was a proposal to reduce the number of Councilors from seven to five. The Charter Commission opposed the reduction on a five to four vote. Since the Commissioners did not recommend this provision, State Law prohibits them from placing this issue on the ballot. Upon the advice of the Town Attorney, the Commission respectfully requests that the Town Council place this question before the voters as a separate Charter amendment.

Respectfully submitted,



Jill M. Goldthwait, Chair
Bar Harbor Charter Commission

Commissioners:

Enoch Albert, Leslie C. Brewer, Richard Cough, Richard Fox, Michael Gurtler, Ken Smith, Jill Weber and David Woodside